App. F. IX-4

29-39
IX

Previous References

1939.
(Legis)

File No. ~~19-39~~

Serial Nos. ~~12~~

Later References.

Legis 29-39(6)
" (11)
" 2-40 (78)
" 2-41 (57)
AU 25-42-8 to 13.

(19)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. One only

Part B for February 1940.

SUBJECT.

The Enemy Property (Custody and Registration orders) 1939

The Enemy Property (Custody and
Govt 1939

Serial No.

From

The Secretary to the Hon'ble the Chief
No F. 193-39 (7)/W of 1st Nov. 39
drawing the attention of the Govt of Mysore
to the Gazette of India Extraordinary containing
the Enemy Property (Custody and Registration)
Order 1939.

Kind reference is invited to Hly No.
(the Govt of India Notification republished in
the Mysore Gazette). If approved,
the order will be published in the Mysore Gazette
also. Submitted for perusal.

RS
2/XI

6
2/11

Submitted with a draft in the compiler

6
Mg

Printed Gazette Ch of Govt of India in the Gazette
From The Secy to the Hon'ble the Chief
F. 193-39(7) W. of 1st Nov 39
Compiler

The Order has been republished in
the Mysore Gazette also and is to appear in
the Mysore Gazette. The Compiler has also
supplied to send 100 printed copies to the
Office. If satisfied necessary, the file will be sent
to the Registration for issuing a similar order

Thanks for the order

6/11/11

The Enemy Property (Custody and Registration) Order 1939.

File No. of 19 General and Revenue Secretariat.

The Enemy Property (Custody and Registration) Order 1939 has been republished in the Mysore Gazette (The Resident has requested this Govt to pass a similar order. The file is transferred to the Legislative Section for issuing a similar order

The Enemy Property (Custody & Registration) order has been republished* but has been suitably and will, if approved be issued in action under the Defence of India Rules as applies here

May be approved

BVA 26.11.39

Law Secy

omitted for Revenue

The Defence of India Ordinance is not in force in Mysore now, the publication of this Order will, if approved be postponed till the new Act is promulgated.

C.C. 30.11.39

Law Secy,

The Enemy Property (Custody & Requisition ...

General and Revenue Secretariat. | File No. | of 19 | [App. F. III-2

Serial No.

From

The Secretary to the Hon'ble the Resident

7 193-39 (7)/W dated 13.12.39

Inquiring for a copy of the order when issued here.

This order has to issue under the Defence of India Rules The Defence of India ordinance is not in force in Mysore and the Defence of India Act, as applied to Mysore, been promulgated only this week (the assent of the Governor was previously accorded on the 9th) and not yet appeared in the Gazette. The publication of the order was likewise postponed.

If approved the Residency will be informed that the order will be published soon and copies sent thereafter. Submitted for orders

Sd/-
16.12.39

Yes
Sd/-
18.12.39

Submitted with a draft

Sd/-
20/12

Sd/-
20.12.39

Issued Pol 892 d 24.12.1939 to the Residency

The Defence of India Act, as applied to Mysore has been published as Act no. XVI of 1939 and has appeared in the Gazette (Part IV) of the 21st December 1939.

The Enemy Property (Custody and Requisition) order will if approved, be published under the Defence of India

5162

The Enemy Property (Custody & Registration) Order 1939

File No. of 19 .

General and Revenue Secretariat.

Serial No.

Ld Lond.

A notification is submitted for orders.

BXR
2.1.40

Law Secy)

OFFICE OF THE
FIRST MEMBER OF COUNCIL
JAN 15 1940
No. 6123

This order may be issued
1st Member)

6
1371/40.

BXR
15.1.40

Secy
15/1/40

4, 14/1

time BXR
15/1

Issued, notification P 5018 - Legis 19-39-12 d 26.1.40. to the Compiler
The notification has appeared in the Gazette of the 1st Feb 40 (Pt IV)

From

The Secretary to the Hon'ble the Resident

F. 193-39(7)/pr dated 31.1.40

forwards copy of post of India notification no 72(2)-Tr (W)/39
dated 6.1.40. amending the Enemy Property (Custody and
Registration) Order, 1939.

The notification has issued under the Defence of India
Rules, as applied to Mysore. (in the Gazette of the 1st Feb 40

A draft notification amending the above on the lines of
the Br. India amendment is put up for orders.

Law Secy) 3/1/40

Zor
5.2.40

6572

Keep the draft issue

The Evening Post (Custody & Registration) Rules

eneral and Revenue Secretariat. | File No. | of 19 | [App. F. III-2

Serial No.	
	Dated Notification P5339-Legis 29-39-5 dated 6. 2. 40 The notification has appeared in the Gazette of the 8th instant (I.T.)

Col 774

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

Dis. No. F. 193-39(7)/W.

2/1859

CS

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore.

CHIEF SECRETARY 2 NOV. 1939 GOVT. OF MYSORE.

Dated Bangalore, the 1st November 1939.

THE ENEMY PROPERTY (CUSTODY AND REGISTRATION) ORDER, 1939.

SIR,

I am directed to draw the attention of the Government of Mysore to the Gazette of India, Extraordinary, dated the 14th October 1939, containing the Enemy Property (Custody and Registration) Order, 1939.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue.....

Signed by .....

List of enclosures.....

Copied by .....

Examined by.....

Section

File No.

Serial No.

No.

To Notification

The following notification of the Govt of India is republished.

B-0

Chief Secy to Govt

The Compilation may be published in the Gazette

WD 0521—GPB—30,000—12-3-37

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

~~3344839~~ Pol 822

~~DS~~. No. F. 193-39(7)/W

I 1619 -

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore.

Dated Bangalore, the 7th November *1939*.

THE ENEMY PROPERTY (CUSTODY AND REGISTRATION) ORDER, 1939.

SIR,

I am directed to refer to my letter No.F.193-39(7)/W, dated the 1st November 1939.

2. The Resident would be grateful if the Government of Mysore would pass a similar Order.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

3986/39 CS. 1931

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

~~Dxx~~ No. F.193-39(7)/W.

P of 1051

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE

TO

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

CHIEF SECRETARY. War 14. DEC. 1939 T. OF MYSORE.

Dated Bangalore, the 13th December *193* 9

THE ENEMY PROPERTY (CUSTODY AND REGISTRATION) ORDER, 1939.

SIR,

I am directed to refer to my letter No.F.193-39(7)/W, dated the 7th November 1939.

2. Will you please send me a copy of the Order when issued ?

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore. 19th December 1939.
21st

No. Rol 892

From

The ~~General~~ Secretary to the Government of His Highness the Maharaja of Mysore.
Law Department.

To

The Secretary to the Hon'ble the Resident in Mysore.

Sir,

THE ENEMY PROPERTY (CUSTODY AND REGISTRATION) ORDER, 193

I am directed to acknowledge your letter No.F.193-39(7)/ ated 13th December 1939 and to state that the order will be ublished shortly and a copy forwarded when issued.

I have the honor to be,

Sir,

Your most obedient servant,

BKR

For Secretary to Government
2 Law Department.

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

No. 5018 / Mys 19-39-12 Dated Bangalore the 26th January 1940.

NOTIFICATION.

In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules as applied to Mysore, the Government of His Highness the Maharaja are pleased to make the following Order, namely:-

1. Short title.- This Order may be called the Enemy Property (Custody and Registration) Order, 1939.

2. Definitions.- In this Order unless there is something repugnant in the subject or context -

(i) "Custodian" means the Custodian of Enemy Property for Mysore appointed under rule 114 of the Defence of India Rules as applied to Mysore and includes any Deputy or Assistant Custodian of enemy property authorised by the said Custodian in respect of all or any of the provisions of this Order;

(ii) the expressions "enemy subject", "enemy firm", "enemy property" and "securities" shall have the meanings respectively assigned to them by rule 103 of the Defence of India Rules as applied to Mysore;

(iii) "enemy" means an enemy subject or enemy firm;

(iv) "Form" means a Form appended to this Order;

(v) "person" includes any company or association or body of individuals whether incorporated or not.

3. Payment to custodian of money otherwise payable to an enemy.- Any sum payable by way of dividend, interest, share of profits or otherwise, to or for the benefit of an enemy, shall be paid by the person by whom such sum would have been payable if a state of war had not existed, to the Custodian or such person as may be authorised by him in this behalf, and shall be held by such Custodian or other person subject to the provisions of this Order.

4. (1) Powers of custodian in respect of enemy property vesting in him.- Whenever by order made under sub-rule (1) of rule 114 of the Defence of India Rules, as applied to Mysore, the property of an enemy is vested in the Custodian, ~~the Custodian~~, the Custodian may take such measures as he considers necessary or expedient for preserving the property

(2) Without prejudice to the generality of the foregoing provision, the Custodian may for the said purpose, -

(i) carry on the business of the enemy,

(ii) take action for recovering any money due t the enemy,

(iii) make any c ntracts, and execute any documents in the name and on behalf of the enemy,

(iv) incur any expenditure, including the payment of any taxes, duties, cesses and rates to Government or to any local authority, and of any wages, salaries, pensions or provident fund contributions to, or in respect of, any employee of the enemy, and the repayment of any debts due by the enemy to persons other than enemies, and

(v) transfer by way of sale, mortgage or lease, or otherwise dispose of, any of the property.

5. Exemption from attachment, etc., All enemy property vesting in the Custodian shall be exempt from attachment, seizure or sale in execution of a civil court decree.

6. (1) Transfer of Securities belonging to an enemy.- Where in exercise of the powers conferred by paragraph 4 of this Order, the Custodian proposes to sell any securities issued by a company and belonging to an enemy, the company may, with the consent of the Custodian purchase the securities, notwithstanding anything to the contrary in any law or in any regulations of the company, and any securities so purchased may be re-issued by the company as and when it thinks fit so to do.

(2) Where the Custodian executes a transfer of any securities issued by a Company, the company shall, on receipt of the transfer and an order in this behalf from the Custodian register the securities in the name of the transferee, notwith

notwithstanding that the regulations of the company do not permit such registration in the absence of the certificate, script or other evidence of title relating to the securities transferred.

Provided that any such registration shall be without prejudice to any lien or charge in favour of the company and any other lien or charge of which the Custodian gives express notice to the company.

7. Power of custodian to summon persons and call for documents.- (1) A Custodian may, by notice in writing, require any person whom he believes to be capable of giving information concerning any enemy property to attend before him at such time and place as may be specified in the notice, and examine any such person concerning the same, reduce his statement to writing and require him to sign it.

(2) A Custodian may, by notice in writing, require any person whom he believes to have in his possession or control any account book, letter book, invoice receipt or other document of whatever nature relating to any enemy property, to produce the same, or cause the same to be produced, before the Custodian at such time and place as may be specified in the notice, and to submit the same to his examination and to allow copies of any entry therein or any part thereof to be taken by him.

8. Returns relating to enemy property.- (1) Every bank carrying on business in Mysore which has any balances or deposits standing to the credit of an enemy shall, within two months from the date of this Order, communicate to the Custodian full particulars of such balances or deposits in Form A.

(2) Every company incorporated in Mysore and every company which though not incorporated in Mysore has a share transfer or share registration office in Mysore shall within two months from the date of this Order, communicate to the Custodian in Form B full particulars of all securities of the company which belong to an enemy.

(3) Every firm carrying on business in Mysore one or more partners of which are enemies, shall, within two months from the date of this Order, communicate to the Custodian in Form C full particulars as to any share of profits and interest due to such enemies.

(4) Every person residing or carrying on business in Mysore by whom any money would, if a state of war had not existed, have been payable or paid to or for the benefit of an enemy by way of dividend, interest or share of profits shall within two months from the date of this Order, or if such money becomes payable after the expiry of that period, within one month after it becomes payable, communicate to the Custodian full particulars of such money in Form D.

(5) Every person other than bank residing or carrying on business in Mysore who owes any debts to an enemy shall, within two months from the date of this Order, communicate to the Custodian full particulars of such debts in Form E.

(6) Every person residing or carrying on business in Mysore who has in his possession or control any enemy property not covered by the preceding sub-paragraphs shall, within two months from the date of this Order, or if the property comes into his possession or control after the expiry of that period, within one month of his so coming into possession or control communicate to the Custodian full particulars of such property in Form F, in the case of property held in safe custody, and in Form G, in the case of property held otherwise.

In the case of property of enemy subjects, other than internees, residing in India the above particulars may be confined to bank balances and deposits, dividends and similar payments, securities and immovable property belonging to the aforesaid class of enemy subjects.

(7) Where a return of enemy property has been made to the Custodian in Form F or Form G, particulars of any income derived from such property during each quarter after the expiry of two months from the date of this Order shall be com

communicated to the Custodian in Form H within one month of the expiry of that quarter; and if no income has been so derived since the date of the last return the fact shall be reported to the Custodian in the same form within the said period.

(8) Where a return of any enemy property has been made to the Custodian in Form F any change in respect of any lien on the property claimed by any person making the return shall be reported to the Custodian in the same form within one month after the change has occurred or has been effected.

9. Responsibility for making returns on behalf of companies and firms -- Registers of returns.- Every director, managing agent, manager and secretary of a company and every partner of a firm, shall be responsible for communicating to the Custodian the particulars prescribed in paragraph 8.

10. (1) All returns relating to enemy property submitted to the custodian in pursuance of paragraph 8 shall be recorded in such registers as may be prescribed by the Custodian.

(2) All such registers shall be open to inspection, ~~subj~~ subject to the payment of a fee of rupee one per page or part of a page of any register inspected and to such reasonable restrictions as the Custodian may impose, by any person who, in the opinion of the Custodian, is interested in any particular enemy property as a credito or otherwise, and any such person may also obtain a copy of the relevant portion from the registers on payment of a fee of rupee one per page or part of a page.

(Sent unsigned form law)

By Order,

Secretary to Government
Law Department.

To

The Compiler, Mysore Gazette for publication in the Gazette.

50 copies may be sent to the office only.

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore.

Dated Bangalore, the 31st January

THE ENEMY PROPERTY (CUSTODY AND REGISTRATION) ORDER, 1939.

SIR,

I am directed to enclose, for the information of the Government of Mysore, a copy of the notification by the Government of India, Department of Commerce, No.72(2)-Tr. (W)/39, dated the 6th January 1940.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

DEPARTMENT OF COMMERCE.

NOTIFICATION

New Delhi, the 6th January 1940.

No. 72(2)-Tr. (W.)/39.—In exercise of the powers conferred by sub-rule (*1*) of rule 114 of the Defence of India Rules, the Central Government is pleased to direct that the following amendment shall be made in the Enemy Property (Custody and Registration) Order, 1939, namely:—

In paragraph 3 of the said Order for the words "shall be paid", the words "shall, unless otherwise ordered by the Central Government, be paid" shall be substituted.

A. H. LLOYD,
Secy. to the Govt. of India.

No. 73 (8)/39.

Copy forwarded to:—

The Custodian of Enemy Property, Reserve Bank Building, Central Office, Bombay (with 15 spare copies).

The Controller of Enemy Firms, Reserve Bank of India, Central Office Bombay

All Provincial Governments (with 10 spare copies each).

All Chief Commissioners (with 3 spare copies each).

The Poitical Department (with 100 spare copies) with the request that a copy of this notification may be communicated to the Governments of the Indian States concerned, and also to the office of His Highness the Chancellor, Chamber of Princes.

All Departments of the Government of India (including the Education, Health and Lands, Home, External Affairs, Supply and Defence Co-ordination Department), (with 10 spare copies each), and the Department of Labour (with 70 spare copies) and the Railway Department (with 100 spare copies).

The Central Board of Revenue, and all Collectors of Customs, and Collectors of Salt Revenue, Madras and Bombay.

The Private Secretary to His Excellency the Viceroy; the Military Secretary to His Excellency the Viceroy; Secretary to the Governor General's Executive Council; Secretary to the Governor General (Public).

The Chief Censor.

The Chief Postal Censor.

The Director General of Commercial Intelligence and Statistics, Calcutta.

The Director General, Posts and Telegraphs, New Delhi.

The Economic Adviser to the Government of India, New Delhi.

The High Commissioner for India, Trade Department, London.

The Indian Government Trade Commissioners, Osaka, Mombasa, New York and Alexandria.

The Indian Trade Agent, Kabul.

His Majesty's Senior Trade Commissioner in India, Calcutta.

His Majesty's Trade Commissioner, Bombay.

The Canadian Government Trade Commissioner in India.

The American Trade Commissioner in India, Calcutta.

The Federation of Indian Chambers of Commerce and Industry.

The Associated Chambers of Commerce of India.

Copy (with 14 spare copies) also forwarded to the Government of Burma, Commerce and Industry Department.

By order, etc.,

M. S. BHATNAGAR,
Under Secy. to the Govt of India.

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

No.P.5339-45; 29-39-5 Dated Bangalore the 5th February 1940.

NOTIFICATION.

In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following amendment shall be made in the Enemy Property (Custody and Registration) Order, 1939, namely:-

In paragraph 3 of the said Order for the words "shall be paid", the words "shall unless otherwise ordered by the Government, be paid" shall be substituted.

By Order,

Secretary to Government
Law Department.

To

The Compiler, Mysore Gazette, for publication.

and for the / missing + Supply
of 25 spare copies to the Secy.